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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,927	07/14/2003	Paul K. Wilson	816	6621

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EXAMINER

BASINGER, SHERMAN D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,927

Applicant(s)

WILSON, PAUL K.

Examiner

Sherman D. Basinger

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The replacement sheets of drawings filed January 4, 2005 are objected to because the lines, numbers and letters are not uniformly thick and well defined, and because in figure 1 there are a number of lead lines at the front of the vehicle for which no reference character is associated. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Amendment

2. The amendment filed January 4, 2005 is non-compliant with the revised amendment practice effective July 30, 2003. Each section of the amendment did not begin on a separate sheet. The remarks section began on the last sheet of the section for amendments to the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilkerson.

Wilkerson discloses an amphibious craft having a pair of spaced, elongated pontoons 2, each pontoon

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having an endless track 1 guided around the periphery thereof, a hydraulic motor 12

having a

stationary part attached to the pontoon and having a motor-drive sprocket (see figure 8),

a track-drive

assembly (see figure 8) for driving the endless track; and a chain assembly (see figure

8) for transferring power

generated by the motor to the track-drive assembly; an improved track-drive assembly,

comprising:

a shaft 46, a track-drive sprocket 56 removably attached to the shaft near or at an

end thereof, at least one track sprocket 48 attached to the shaft, and a journaled

bearing 47 disposed on the shaft between the track-drive sprocket and the at least one

track sprocket.

Wilkerson also discloses a track-drive assembly for amphibious craft, the track-drive

assembly

comprising:

a shaft 46; at least one track sprocket 48 affixed to the shaft; a track-drive

sprocket 56 removably affixed to the shaft near or at an end thereof; and a shaft

bearing 47 disposed between the track-drive sprocket and the at least one track

sprocket.

Further, the track drive sprocket is removable without first removing any bearing or bearing keeper. For example, one can use a metal saw to remove this sprocket with removing the bearing or its keeper.

5. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Reynolds.

Reynolds discloses a track-drive assembly for amphibious craft, the track-drive assembly

comprising:

a shaft 22; at least one track sprocket 25 affixed to the shaft; a track-drive sprocket 23 removably affixed to the shaft near or at an end thereof; and a shaft

bearing 21 disposed between the track-drive sprocket and the at least one track sprocket.

Further, the track drive sprocket 23 is removable without first removing any bearing or bearing keeper. For example, one can use a metal saw to remove this sprocket with removing the bearing or its keeper.

6. Claims 1, 2 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Penny.

Penny discloses an amphibious craft having a pair of spaced, elongated pontoons 16 and 18, each pontoon

having an endless track 44 guided around the periphery thereof, a hydraulic motor 50, 52 having a

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stationary part attached to the pontoon and having a motor-drive sprocket 66, a track-drive

assembly (see figure 4) for driving the endless track; and a chain assembly (see figure 4) for transferring power

generated by the motor to the track-drive assembly; an improved track-drive assembly, comprising:

a shaft 72, a track-drive sprocket 70 removably attached to the shaft near or at an

end thereof, at least one track sprocket (see paragraph 0033, line 12) attached to the shaft, and a journaled

bearing 74 disposed on the shaft between the track-drive sprocket and the at least one track sprocket.

Penny also discloses a track-drive assembly for amphibious craft, the track-drive assembly

comprising:

a shaft 72; at least one track sprocket (see paragraph 0033) affixed to the shaft; a track-drive

sprocket 70 removably affixed to the shaft near or at an end thereof; and a shaft

bearing 74 disposed between the track-drive sprocket and the at least one track sprocket.

Further, the track drive sprocket 70 is removable without first removing any bearing or bearing keeper. For example, one can use a metal saw to remove this sprocket with removing the bearing or its keeper.

Response to Arguments

7. Applicant's arguments filed January 4, 2005 have been fully considered but they are not persuasive. Applicant first argument is that Wilkerson does not have a hydraulic motor with a stationary part attached to the pontoon. This arguments is rebutted by stating that the stationary part of the hydraulic motor is attached to the pontoon through the deck and the structure attaching the deck to the pontoon.

8. With regard to the argument that Wilkerson does not disclose that his track drive sprocket is removable without first removing any bearing or bearing keeper, applicant should keep in mind how broad a concept removal of a sprocket is. The sprocket can be removed by cutting it off the shaft. One can cut the sprocket off of the shaft with removing the bearing or its keeper is one desires to do so.

9. Applicant's arguments with regard to Reynolds and Penny are along the lines of those made with regard to Wilkerson. These arguments can be rebutted with the same response given to rebutt the arguments applicant presented with respect to Wilkerson.

10. The rejections stand.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP


§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET)/5:30-2:00(after 4/11/05).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sherman D. Basinger
Primary Examiner
Art Unit 3617
2/28/05

2/28/05